

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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In the Matter of:

Telephone Number Portability

CC Docket No. 95-116

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**COMMENTS OF THE RURAL IOWA INDEPENDENT  
TELEPHONE ASSOCIATION**

The Cellular Telecommunications & Internet Association (CTIA) filed a Petition for Declaratory Ruling in this docket, seeking a ruling that wireline carriers must provide local number portability to any wireless company when the rate center for the wireless company overlaps with the rate center for the wireline company.

Preliminarily, the Rural Iowa Independent Telephone Association (“RIITA”) notes that CTIA’s urgency for this ruling is artificial. On page 2 of its Petition, CTIA asserts the “if wireless number portability is to go forward on the basis and timetable the Commission has ordered, a declaratory ruling is *necessary* to remove uncertainty about the extent of wireline local exchange companies’ obligation to meet consumer requests to port numbers to wireless carriers.” (Emphasis added.) Throughout its petition, CTIA expresses urgency in resolving the wireline porting to wireless issue because of the FCC’s ruling that wireless companies must port numbers to each other. Despite this claimed urgency, the two issues have nothing to do with each other. To promote competition between wireless carriers (in the *same* MTA), the FCC has reached a conclusion that wireless companies must provide number portability to each other. The issue of wireline and wireless competition is different and one can be resolved without resolving the other.

Ironically, CTIA's urgency also points out the hypocritical nature of its argument. It, along with other wireless carriers as it states in notes 3 and 4, is challenging the order that it must provide LNP. But, CTIA wants to take advantage of the very same LNP. If CTIA is successful in its appeal of the FCC ruling and its present petition is granted, wireless carriers will be able to demand local number portability from wireline carriers, but not offer the same service in return.

More to the point, CTIA's petition is an extended lecture to the FCC for not resolving an issue the way CTIA wants it resolved. It acknowledges that it has raised this issue repeatedly, but further acknowledges that the FCC has ruled that "The rate center issue is the result of the Commission's decision in 1997 to limit wireline local number portability to the existing rate center boundaries of incumbent LECs." Petition at p. 5. What CTIA wants is not a resolution of an outstanding issue, but a reversal of the 1997 ruling. In other words, CTIA is simply upset that it has not won. As troubling as it is to CTIA that it keeps losing, that 1997 decision is codified in 47 C.F.R. § 52.26, again as acknowledged by CTIA in its own petition at page 5.

Thus, CTIA seeks an inappropriate remedy: if this earlier decision is to be reconsidered, it should be the subject of a rulemaking proceeding in which all the facts—not the CTIA allegations—are brought to bear on the issue of wireline-wireless local number portability. RIITA believes that such a rulemaking procedure would result in affirming the FCC's earlier decision.

In addition, CTIA has completely ignored several significant facts about rural telephone provision.

RIITA is a non-profit association of rural independent telephone companies, representing approximately one hundred and thirty Iowa incumbent local exchange carriers. All of RIITA's members actually serve fewer than 15,000 access lines, many serve fewer than 1000 lines. Most

members are exempt rural telephone companies pursuant to section 251(f)(1)(A) of the Telecommunications Act of 1996. 47 U.S.C. § 251(f)(1)(A).

RIITA's members generally are in rate centers defined by their exchange boundary. Furthermore, very few of these rural independent companies have any direct physical interconnection with wireless carriers. Without direct connectivity, evidence in a new rulemaking will demonstrate that technical feasibility issues do exist with LNP to a wireless company. The wireless companies would first need to interconnect and then the issue could be addressed and should be addressed on an exchange basis because rural independents cannot provide regulated services outside of those exchange boundaries.

In addition to ignoring the factual circumstances in rural exchanges, CTIA repeatedly glosses over its own misreading of the 1996 Telecommunications Act by stating that it the petition "is not a request for location provider portability." In reality, it certainly is just such a request because their argument would require a rural independent to port numbers outside its exchange and potentially far outside the boundaries for which the original NXX was issued.

Most significantly, RIITA notes that local number portability, under the 1996 Telecommunications Act, is "the ability of users of telecommunications services to retain, *at the same location*, existing telecommunications numbers . . ." 47 U.S.C. § 251(b)(2). CTIA wants to carry this rule beyond the same location to any location within an MTA.

CTIA's petition should be denied.

Respectfully Submitted,

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